

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 12, 1999

ALL COUNTY LETTER NO. 99-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL LOCAL MENTAL HEALTH DIRECTORS
ALL GROUP HOME PROVIDERS

REASON FOR THIS TRANSMITTAL

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | State Law Changes |
| <input type="checkbox"/> | Federal Law of Regulations
Change |
| <input type="checkbox"/> | Court Order or Settlement
Agreement |
| <input type="checkbox"/> | Clarification Requested by
One or More Counties |
| <input checked="" type="checkbox"/> | Initiated by CDSS |

SUBJECT: NOTICE OF APPROVED EMERGENCY REGULATIONS FOR
DIVISION 31 - CHILD WELFARE SERVICES COMMUNITY TREATMENT
FACILITIES (ORD # 0999-20), AND
DIVISION 11 - COMMUNITY TREATMENT FACILITY RATESETTING
(ORD # 0999-21)

REFERENCE: ALL COUNTY LETTER NO. 99-72

The purpose of this All County Letter is to provide notification that the Division 31 and Division 11 Community Treatment Facility emergency regulations became effective on October 28, 1999, the date they were filed with the Secretary of State. Manual letter pages incorporating the regulation changes will be issued in approximately two months. A copy of the approved emergency regulations is attached.

For questions regarding the Division 31-Child Welfare Services Community Treatment Facilities regulations please contact Anne Smith, Placement Policy Unit at (916) 322-0725.

For questions regarding the Division 11-Community Treatment Facility Ratesetting regulations please contact the Foster Care Rates Bureau at (916) 323-1263.

Sincerely,

Signed by Wesley A. Beers on
November 12, 1999

WESLEY A. BEERS
Acting Deputy Director
Children and Family Services Division

Attachments

c: California Association of Children's Homes
California Association of Services for Children
Residential Care Providers Association in Los Angeles County
Foster Care Alliance
African-American Foster Parent and Group Home Association
Care Homes of Los Angeles County

Amend Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES - DEFINITIONS (Continued) 11-400

- c. (1) (Continued)
- (6) Community Treatment Facility - means a facility defined in Health and Safety Code Section 1502(a)(8), certified as a Community Treatment Facility by the California Department of Mental Health (CDMH) and licensed as a Community Treatment Facility by the California Department of Social Services (CDSS), Community Care Licensing Division (CCL).
- (7) Community Treatment Facility Licensed Nursing Staff - means a person employed by a Community Treatment Facility and licensed as a registered nurse by the California Board of Registered Nursing; or a vocational nurse or psychiatric technician licensed by the California Board of Vocational Nurses and Psychiatric Technician Examiners to perform functions within their scope of practice.
- d. (1) (Continued)
- g. (2) Group home shall be defined in accordance with Welfare and Institutions Code Section 11400(h) and also includes a Community Treatment Facility for purposes of Division 11. (Continued)
- h. (1) (Continued)

Authority Cited: Sections 10553, 10554, 11462(i) and (j), 11462.06, and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 1200, 1250, 1502(a)(1) and (a)(8), 1502.4, 1502.4(a)(1), (a)(2)(A), and (b), and 1530.8, Health and Safety Code; Section 3353, California Labor Code; Sections 4096, 4096(e)(2), 4096.5, 5600.3(a)(2), 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11400(h), 11402.5(a), 11460, 11461.1, 11462, 11462(a)(1), 11462.01(a)(2)(A)(i) and (ii), 11462.01(a)(2)(B)(i), 11462.03, 11466.1, 11466.2, 11466.21, 11466.22, 11466.3, 11466.31, 11466.33, 11466.34, 11467.1 (Assembly Bill 1197, Chapter 1088, Statutes of 1993), 11468, 11468.6, 16522(a), (b), and (c), and 18350, Welfare and Institutions Code; Assembly Bill 1575, Chapter 728, Statutes of 1997; The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050; and federal OMB Circular A-122, Attachment B, Paragraph 11, Depreciation and Use Allowances, dated June 1, ~~1998~~ and

~~Study by the California Department of Education, School Site Analysis
and Development (1966 Edition).~~

Amend Section 11-402 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.2 Program Classification

.21 Eligible Hours for Program Components

.211 Child Care and Supervision (CCS)

(a) Eligible hours of CCS shall be compensated in accordance with the Department of Industrial Relations rules and regulations (see Title 8, California Code of Regulations, Section 11050) and shall be determined by counting paid-awake hours of child care workers (including nurses) and first-line supervisors while performing child care duties in a group home, and Community Treatment Facility licensed nursing staff performing CCS duties in a Community Treatment Facility. (Continued)

(3) No more than 54 hours per week per individual child care worker, Community Treatment Facility licensed nursing staff, houseparent, and individual first-line supervisor for any program(s) shall be projected on any program Classification Report(s) SR 2 (Rev. 12/94) Column 2, line 16.

(4) More than 54 hours per week per individual child care worker, Community Treatment Facility licensed nursing staff, houseparent and individual first-line supervisor for any program(s) may be reported on any SR 2(s) (Rev. 12/94) Column 2, lines 1 through 12 when: (Continued)

(5) (Continued)

(D) A Community Treatment Facility shall allocate the hours worked by the licensed nursing staff among the following:

(i) CCS;

(ii) Required CDMH nursing functions in a Community Treatment Facility;

(iii) Administrative tasks, including training or other activities;

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Example:

A Community Treatment Facility licensed nursing staff employee works the following hours per task during a 40-hour week:

<u>24 hours/week:</u>	<u>Performing CDMH required nursing functions.</u>
<u>12 hours/week:</u>	<u>Performing CCS duties.</u>
<u>4 hours/week:</u>	<u>Performing administrative or other tasks such as training.</u>

As documented by their timecards/records, this Community Treatment Facility licensed nursing staff employee's percentage of time per task is as follows (i.e.: 24 hours divided by 40 hours = 60%):

<u>60% of their time:</u>	<u>Performing CDMH required nursing functions.</u>
<u>30% of their time:</u>	<u>Performing CCS duties.</u>
<u>10% of their time:</u>	<u>Performing administrative or other tasks such as training.</u>

From this example, the following conclusions can be reached with regard to establishing the RCL for this Community Treatment Facility:

- The 24 hours/week of CDMH required nursing functions are not pointable toward the establishment of an RCL for the Community Treatment Facility.
- The 12 hours/week of CCS duties are pointable toward the establishment of an RCL for the Community Treatment Facility.
- These pointable hours of CCS can be weighted as provided by MPP Sections 11-402.224(b) and (c).
- The four hours/week of administrative or other tasks such as training staff is not pointable toward the establishment of an RCL for the Community Treatment Facility.

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(6) (Continued)

.212 (Continued)

.22 Weightings for Program Component Hours

.221 Child Care Supervision (CCS) Weightings (Continued)

.224 Community Treatment Facility Weightings for CCS and Training

(a) Each licensed nursing staff in a Community Treatment Facility shall receive a base factor of 1.0 for each eligible hour of CCS they provide.

(b) In accordance with their individual professional level, each licensed nursing staff in a Community Treatment Facility shall receive the following additional weightings for each eligible hour of CCS they provide:

(1) A licensed registered nurse with a Masters Degree in psychiatric nursing or related field. 1.5

or

A licensed registered nurse with two years experience in psychiatric nursing.

or

A licensed registered nurse with two years experience in nursing administration or supervision and one year experience in psychiatric nursing.

(2) A licensed registered nurse. 1.0

(3) A licensed vocational nurse. 0.5

(4) A licensed psychiatric technician. 0.5

(c) Each eligible hour of CCS worked by licensed nursing staff of a Community Treatment Facility may receive additional training weighting as provided by MPP Section 11-402.221(e).

Authority Cited: Sections 10553, 10553(e), 10554, 11462, 11462(j), 11462.06, 11466.1, 11466.2, and 11466.21, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 1502(a)(1), 1502.4(b), and 1530.8, Health and Safety Code; Section 3353, California Labor Code; Sections 366, 4096.5, 4096.5(a), (c), (c)(1), and (2), and (d), 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11235, 11236, 11400(h), 11402.5(a); 11460, 11462, 11462(a)(1), ~~and~~ (a)(2) and (a)(3), 11462(d), 11462(e)(3), 11462(g)(14), 11462(i)(1)(B), 11462.01(a), (a)(1), (2), and (3), 11462.01(b), 11462.01(d), (d)(1) and (2), 11462.01(e), 11462.01(f)(1), (2), and (3), 11462.01(g)(1), (2), (3), and (4), 11462.01(h), 11462.01(i)(1), (2), and (3), 11462.01(j), 11462.03, 11466.1, 11466.2, 11466.3, 11466.4, 11466.22, 11466.25, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11467, 11467.1 (Assembly Bill 1197, Chapter 1088, Statutes of 1993), 11468 through 11468.6, 16522(a) and (b), 16501.1(d), and 18350, Welfare and Institutions Code; Sections 1502(a)(1) and (a)(8), Health and Safety Code; Assembly Bill 1575, Chapter 728, Statutes of 1997; The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989; Title 8, California Code of Regulations, Section 11050, Title 11, California Code of Regulations, Section 999.1(a); and Title 1, Division 2, Section 5233, California Corporations Code; and federal OMB Circular A-122, Attachment B, Paragraph 11, Depreciation and Use Allowances, dated June 1, 1998 ~~and Study by the California State Department of Education, School Site Analysis and Development (1966 Edition).~~

Amend Section 31-002 to read:

31-002 DEFINITIONS

31-002

(a) (1) (Continued)

(3) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.

(34) (Continued)

(45) (Continued)

(56) (Continued)

(b) (Continued)

(c) (1) (Continued)

(5) "Certified" means a community treatment facility that has been approved by the California Department of Mental Health as complying with the standards established for that program.

(56) (Continued)

(67) "Child" means a person under 18 years of age. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1924(b) states:

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a).

"(2) They have not graduated from high school.

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF."

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~~(78)~~ (Continued)

~~(89)~~ (Continued)

~~(910)~~ (Continued)

~~(101)~~ (Continued)

~~(112)~~ (Continued)

~~(123)~~ (Continued)

~~(134)~~ (Continued)

~~(15)~~ "Community Treatment Facility" means any residential facility that provides mental health treatment services to children in a group setting which has the capacity to provide secure containment. The facility's program components shall be subject to program standards developed and enforced by the California Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

~~(146)~~ (Continued)

~~(157)~~ (Continued)

~~(18)~~ "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator's authority to consent to placement and treatment shall take precedence.

~~(169)~~ (Continued)

(~~17~~20) (Continued)

(~~18~~21) (Continued)

(~~19~~22) (Continued)

(203) (Continued)

(244) (Continued)

(225) (Continued)

(~~23~~6) (Continued)

(247) (Continued)

(~~25~~8) (Continued)

(d) (1) (Continued)

(i) (1) (Continued)

(5) "Interagency Placement Committee" means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.

(~~5~~6) (Continued)

(j) through (k) (Continued)

(l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1901(p) states:

"'Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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~~(42)~~ (Continued)

(m) (Continued)

(s) (1) (Continued)

(3) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

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(A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

"(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

"(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

"(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361, 361.2 and 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), (Section 361.3 was further amended by AB 2773, Chapter 1056, Statutes of 1998), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11400(a), 11467.1, 16501(a)(3), 16501.1(e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16516.5, 16520, 16521, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), ~~1522.06~~ and 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); and Sections 7901, 7911, 7911.1, and 7912, Family Code.

Amend Section 31-205 to read:

31-205 ASSESSMENT DOCUMENTATION

31-205

.1 The social worker shall document the following assessment information:

~~.11~~ (a) (Continued)

~~.11~~ (1) (Continued)

~~.112~~ (2) (Continued)

~~.113~~ (3) (Continued)

~~.12~~ (b) (Continued)

~~.13~~ (c) (Continued)

~~.14~~ (d) (Continued)

~~.15~~ (e) (Continued)

~~.16~~ (f) (Continued)

~~.17~~ (g) (Continued)

~~.18~~ (h) (Continued)

~~.19~~ (i) (Continued)

(j) The condition(s) which is met that allows a child to be placed in a community treatment facility in accordance with Section 31-406.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361, 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11467.1, 16501, 16501(e), 16501(e)(9), and 16507, Welfare and Institutions Code; and 42 U.S.C. Sections 675(1) and 677, and Sections 1502 and 1502(a)(8), Health and Safety Code.

Amend Section 31-206 to read:

31-206 CASE PLAN DOCUMENTATION (Continued)

31-206

.3 For children receiving out-of-home care, the social worker shall also document in the case plan, the following:

.31 An assessment of the child's placement needs and a determination and description of the type of home or institution which will best meet those needs. (Continued)

.314 For a group home and community treatment facility placement, the case plan shall have a schedule of planned social worker/probation officer monthly visits.

.315 When a community treatment facility placement is recommended or made, the case plan shall specify the reasons why this placement is the most appropriate placement selection pursuant to Section 31-406.

.316 For a community treatment facility placement, the case plan shall specify how the continuing stay criteria will be met as specified in Section 1924 of the California Code of Regulations, Title 9, Chapter 11.

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.317 California Code of Regulations, Title 9, Section 1924 states:

"(a) Continuing stay criteria used by a CTF shall include documentation by the CTF psychiatrist of the continuation of admission criteria in addition to written documentation from the appropriate interagency placement committee, or other designated external case manager, such as the probation department, county mental health department, or private insurance utilization review personnel, supporting the decision for continued placement of the child within a CTF. Continuing stay criteria shall be reviewed by a CTF in intervals not to exceed ninety (90) days. Findings shall be entered into each child's facility record.

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a);

"(2) They have not graduated from high school;

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF pursuant to Section 80024, Title 22, Division 6, Chapter 1 of the California Code of Regulations."

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.32 (Continued)

Authority Cited: Sections 10553, 10554 and 16501.1, Welfare and Institutions Code.

Reference: Sections 358.1(e) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361, 361(b) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; and Sections 7901, 7911, 7911.1, and 7912, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

Amend Sections 31-320.411(d)(6), .414, and .6 to read:

31-320 SOCIAL WORKER/PROBATION OFFICER CONTACTS
WITH THE CHILD (Continued)

31-320

.4 The social worker/probation officer shall do the following for each child with an approved case plan who is placed in out-of-home care with a relative, foster family home, FFA, or a legal guardian.

.41 Visit the child at least once each calendar month.

.411 (Continued)

(d) The case record documents the existence of at least one of the following circumstances: (Continued)

(6) The child is not placed in a group home or community treatment facility. (Continued)

.414 If the child is placed in a group home, whether in-state or out-of-state, or a community treatment facility the social worker/probation officer shall visit the child at least once each calendar month, with at least a two-week time frame between visits and document the visits in the child's case plan. (Continued)

.6 Additional exceptions to the visitation requirement up to a minimum of once every six calendar months shall per permitted, for placements other than a group home or community treatment facility, only in the following circumstances: (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. Sections 675 and 677; Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 11008.15, 11155.5, 16501(a), 16501.1(b), (d), and (f)(4), 16504, and 16516.5, Welfare and Institutions Code; and Sections 7901, 7911 and 7911.1, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

Adopt Section 31-406 to read:

31-406 SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES 31-406
FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY

- .1 In addition to the requirements specified in Section 31-405, when arranging for a child's placement in a community treatment facility, the social worker/probation officer shall obtain the following documentation:
 - .11 A written statement, signed by an appropriate licensed mental health professional, certifying that the child is seriously emotionally disturbed; requires a period of containment to participate in and benefit from mental health treatment; that a proposed treatment program is reasonably expected to improve the child's mental disorder; and that the child meets one of the following requirements:
 - .111 The child must have participated in other less restrictive mental health interventions, including, but not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.
 - .112 The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment.
 - .12 A written consent to treatment on behalf of each child in one of the following forms:
 - .121 An application for a child of any age under the jurisdiction of the juvenile court and the court's consent to treatment documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the child's application for treatment.
 - .122 An application made by the conservator for a child of any age in custody of a conservator documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility, as well as any other powers that may be relevant in this setting, along with the conservator's written consent for treatment.
 - .123 An application made by the parent(s) of a child under the age of 14 documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that he or she has sole legal custody and control of the child.

.124 An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that he or she has sole legal custody and control of the child and one of the following:

- (a) A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of his or her right to a pre-admission hearing after being advised by the attorney or notified by the advocate of his or her right to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives his or her right to a pre-admission hearing based on the notification of rights by the advocate, the child's statement must also indicate that he or she has been notified of his or her right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or
- (b) The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and Institutions Code that specifies all of the following findings:
 - (1) The child suffers from a mental disorder;
 - (2) There is a substantial probability that treatment will significantly improve the child's mental disorder;
 - (3) The proposed placement is the least restrictive setting necessary to achieve the purposes of treatment; and
 - (4) There is no suitable alternative to community treatment facility placement.

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- (c) Title 9, California Code of Regulations Section 1923(b)(4)(B) states in pertinent part:

"...A hearing held in accordance with this provision shall include but not be limited to the following:

"1. A neutral and detached fact finder and decision maker who shall have no personal, administrative or financial ties to any parties represented at the hearing nor to the proposed placement facility;

"2. Adequate written notice to the child before the hearing stating the basis for the proposed admission to a CTF;

"3. An informal setting to minimize the anxiety of both parents and children and to promote cooperation and communication between all parties. All parties shall speak in terms the child understands and shall explain any terminology with which he is unfamiliar;

"4. The stipulation that formal rules of evidence are not applicable and that the standard for decision shall be by a preponderance of the evidence;

"5. The requirement that the hearing shall be closed to anyone other than the child, his parents or parent, the child's attorney, the person conducting the hearing, the professional person presenting evidence in favor of the commitment, and other persons requested to be in attendance by the child or by the child's attorney.

"6. Assistance provided by an attorney to the child who shall be allowed to call witnesses, examine evidence, present evidence on his own behalf and question persons presenting evidence in support of the admission; and

"7. Maintenance of a record of the proceedings adequate to permit meaningful judicial or appellate review which shall be confidential in accordance with Section 5328 of the Welfare and Institutions Code."

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.13 A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation:

.131 The written statement by a licensed mental health professional that demonstrates the child meets the requirements of Section 31-406.11.

- .132 Informed consent is given by the child, the child's parents or the parent having sole legal custody and control of the child, or the conservator as specified in Section 31-406.12.
- .133 The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Section 31-406.124 have been made for a child 14 through 17 years of age under parental custody who has not waived his or her right to a pre-admission hearing.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, and 5600.3, Welfare and Institutions Code; Sections 1502 and 1502(a)(8), Health and Safety Code, and In re Roger S. (1977) 19 Cal. 3d 921.

Amend Section 31-420 to read:

31-420 FOSTER CARE PLACEMENT (Continued)

31-420

.2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order: (Continued)

.25 A licensed community treatment facility.

.251 Placements in community treatment facilities shall be subject to the following additional requirements.

(a) The following conditions shall exist and shall be documented in the case plan:

(1) Placement is necessary to meet the mental health needs of the child.

(2) The community treatment facility has a program that meets such mental health needs.

(b) The social worker/probation officer shall also document in the case record the reason(s) for the following:

(1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.

(2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2(b), 361.2(e)(2) and (3), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16501.1(b) and (c), 11467.1, and 16507.5(b), Welfare and Institutions Code; Sections 1502, 1502(a)(8), and 1530.8, Health and Safety Code, and Section 275, Civil Code.